7A Am. Jur. 2d Automobiles § 18

American Jurisprudence, Second Edition | November 2021 Update

Automobiles and Highway Traffic
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I. In General

C. Regulation, in General

2. Who May Regulate Motor Vehicles

§ 18. Federal regulation—Preemption of state and local regulation

Topic Summary | Correlation Table | References

West's Key Number Digest

West's Key Number Digest, Automobiles 5(1), 9

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Validity of traffic regulations requiring motorcyclists to wear helmets or other protective headgear, 72 A.L.R.5th 607
Validity and construction of safety standards issued under National Traffic and Motor Vehicle Safety Act of 1966, as amended (15 USC secs. 1381 et seq.), 6 A.L.R. Fed. 988

The Motor Vehicle Safety Act[1] does not generally preempt the field of regulation of motor vehicle safety,[2] but it does preempt state standards relating to the same subject that are either more or less stringent than the federal standards.[3] Only state statutes that conflict with federal safety standards are preempted.[4] Thus, preemption should only occur where compliance with both the federal and local regulations is impossible.[5] Moreover, while a state may be preempted from establishing its own standards, it is not preempted from enforcing the federal standards.[6] Thus, federal safety standards on motorcycle helmets do not preempt state laws requiring motorcycle riders to wear helmets,[7] but the state cannot prescribe helmets that differ from those in the federal regulations.[8] State laws requiring proof of compliance with federal standards before automobiles not originally designed for the United States market may be licensed and registered are also not preempted by the federal regulations.[9]

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Observation:

The United States has signed the United Nations Convention on Road Traffic. The Convention is part of federal law, and the provisions of the Convention supersede any contrary state law.[10]

A township's 14-ton weight restriction on a particular road for the protection of the road was expressly preempted under the Supremacy Clause by a provision of the Surface Transportation Assistance Act (STAA) that cabined the degree and manner in which state and local governments could restrict access of commercial vehicles to and from the federal interstate highway system, since the very language of the Act provided that "[a] State may not enact or enforce a law denying to a commercial motor vehicle reasonable access between" Interstate and certain specified destinations.[11] On the other hand, a city ordinance which limited commercial truck routes and parking did not deny trucks "reasonable access" to food, fuel, rest and repairs, within the meaning of the STAA, and therefore the ordinance was not preempted by that statute; permissible restrictions to access were not limited to safety matters, the STAA did not require the city to grant unfettered access to commercial motor vehicles to any restaurant, gas station, or hotel within the city, commercial motor vehicles were permitted to leave designated truck routes to load or unload cargo, provide services, or seek repairs, and there were multiple facilities for food, fuel, rest, and repair that commercial vehicles could safely access while not traveling on residential streets.[12] Likewise, a city's freeway towing ordinance was exempt from federal preemption under the Federal Aviation Administration Authorization Act to the extent that the program regulated tows without the owner's consent.[13]

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Footnotes

1 49 U.S.C.A. §§ 30101 et seq.

2 Chrysler Corp. v. Rhodes, 416 F.2d 319 (1st Cir. 1969); People v. Giese, 95 Misc. 2d 792, 408 N.Y.S.2d 693 (Sup 1978), order aff'd, 68 A.D.2d 1019, 414 N.Y.S.2d 947 (2d Dep't 1979).
The Federal Motor Vehicle Safety Standard giving auto manufacturers a choice of installing either simple lap belts or lap-and-shoulder belts on rear inner seats did not preempt California tort claims seeking to impose liability on a manufacturer for installing a simple lap belt on the rear inner seat of a minivan; the regulation's history, the Department of Transportation's (DOT) contemporaneous explanation, and its consistently held interpretive views indicated that providing manufacturers with this seatbelt choice was not a significant objective of the federal regulation. Williamson v. Mazda Motor of America, Inc., 562 U.S. 323, 131 S. Ct. 1131, 179 L. Ed. 2d 75 (2011).

3 Sims v. State of Fla., Dept. of Highway Safety and Motor Vehicles, 862 F.2d 1449 (11th Cir. 1989); Great Dane Trailers, Inc. v. Estate of Wells, 52 S.W.3d 737 (Tex. 2001).

4 Buzzard v. Roadrunner Trucking, Inc., 966 F.2d 777 (3d Cir. 1992); State v. Oberlton, 262 N.J. Super. 204, 620 A.2d 468 (Law Div. 1992).

5 Interstate Towing Ass'n, Inc. v. City of Cincinnati, Ohio, 6 F.3d 1154 (6th Cir. 1993); National Tank Truck Carriers, Inc. v. Burke, 535 F. Supp. 509 (D.R.I. 1982), judgment aff'd, 698 F.2d 559 (1st Cir. 1983).
A vehicle buyer's state law negligence claim against an automobile manufacturer, stemming from alleged delays in repairing a known defect in the ignition switch pursuant to a recall, was not conflict-preempted under the Motor Vehicle Safety Act; the Act specifically contemplated operating in conjunction with

common law tort remedies, contemplated diversity in recall mechanisms, and application of traditional common law negligence duty would not put manufacturer in a position where it could not comply with both state and federal duties. In re General Motors LLC Ignition Switch Litigation, 154 F. Supp. 3d 30 (S.D. N.Y. 2015) (applying Oklahoma law).

6 Sims v. State of Fla., Dept. of Highway Safety and Motor Vehicles, 862 F.2d 1449 (11th Cir. 1989); Juvenile Products Mfrs. Ass'n, Inc. v. Edmisten, 568 F. Supp. 714 (E.D. N.C. 1983); Bianco v. California Highway Patrol, 24 Cal. App. 4th 1113, 29 Cal. Rptr. 2d 711 (4th Dist. 1994), as modified on denial of reh'g, (May 24, 1994).

7 Com. v. Guest, 12 Mass. App. Ct. 941, 425 N.E.2d 779 (1981); Robotham v. State, 241 Neb. 379, 488 N.W.2d 533 (1992).

8 Robotham v. State, 241 Neb. 379, 488 N.W.2d 533 (1992).

9 Sims v. State of Fla., Dept. of Highway Safety and Motor Vehicles, 862 F.2d 1449 (11th Cir. 1989).

10 Busby v. State, 40 P.3d 807 (Alaska Ct. App. 2002).

11 Aux Sable Liquid Products v. Murphy, 526 F.3d 1028 (7th Cir. 2008), referring to 49 U.S.C.A. § 31114.

12 Garza v. City of La Porte, 160 F. Supp. 3d 986 (S.D. Tex. 2016) (applying Texas law), and referring to 49 U.S.C.A. § 31114.

13 Houston Professional Towing Ass'n v. City of Houston, 812 F.3d 443 (5th Cir. 2016) (applying Texas law), and referring to 49 U.S.C.A. § 14501(c)(2)(C).

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